

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1133 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JETHABHAI PALABHAI MAKWANA

Versus

STATE OF GUJARAT

Appearance:

MR JK PARMAR for Petitioner

Mr. ST Mehta, Addl. PP for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 10/02/97

ORAL JUDGEMENT

Petitioner's wife Gangaben met with an unfortunate accident on 23rd May, 1996 while unloading coal from the railway wagon for Ahmedabad Electricity Co. She was immediately extricated from the heap of coal under which she was buried and taken to the dispensary. Considering the injury suffered by her, she was removed to the Civil Hospital where she died on 27th May, 1996. Post Mortuam report reveals that the said Gangaben died on account of injury caused to her spinal cord.

2. Petitioner herein has complained that though Gangaben had died for accidental death, the police has not investigated into her death. Learned Additional Public Prosecutor Mr. Mehta has produced police report

and the case papers. It appears that upon the information sent by the hospital authorities, investigation has been made by the police by examining the labourers who were present at the time of accident, the petitioner and some other relatives of Gangaben. Since the death of late Gangaben was purely accidental death, file has been closed accordingly. At this juncture, it cannot be said that the police has not made proper investigation into the death of late Gangaben.

3. Learned advocate Mr. Parmar appearing for the petitioner has submitted that the accident took place on account of negligence of the officer of the Ahmedabad Electricity Co. and the death occurred for want of immediate treatment after the unfortunate accident. However, nothing of the sort has been disclosed before the Investigating Office either by the petitioner or by any of the other witnesses whose statements have been recorded. On the contrary, it appears that late Gangaben was immediately removed from under the heap of coal and was immediately removed to the hospital where she was administered medical treatment. However, in the event, the petitioner feels that but for want of proper treatment, life of Gangaben could have been saved, he may lodge appropriate complaint to that effect. No further order is required to be made on this petition. Petition is dismissed. Rule is discharged.

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